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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/840,176

05/06/2004

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01/06/2009

EXAMINER

GAY, SONIA L

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

01/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/840,176

Applicant(s)

BIRCH ET AL.

Examiner

SONIA GAY

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to Amendment submitted on 10/23/2008 in which claims 22 – 28 are presented for examination.

Claim Rejections - 35 USC § 112

1. Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 22 recites “running an application on a CCXML application server connected to said CCXML/Voice XML browser ”.

Figure 2 ,item 206 and paragraph 28 disclose that the application server is a Voice Extensible Markup Language Call Control Application server.

[0028] The SCP 102 then returns an instruction to play an application (again in the proprietary call control language) as indicated by the SR-3511 PlayApp shown in Figure 4. The proprietary call control protocol to CCXML/Voice XML converter then converts this instruction to a CCXML command to invoke a given application on the Voice XML call control application server 206 (CCXML app to invoke PlayApp in Figure 4) and the CCXML/Voice XML browser 200 creates a HTTP page to forward the CCXML command to the **Voice XML call control application server 206** (HTTP request for CCXML PlayApp in Figure 4). **The Voice XML call control application server 206** then returns the application (CCXML PlayApp in Figure 4)

The examiner interprets a CCXML server and a Voice Extensible Markup Language Call Control Server to be distinct. In light of the specification, the examiner interpreted the “CCXML application server “ of Claim 22 to utilize voice extensible markup language, as well.

2. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites Call Control Extensible Markup Language/Voice Extensible Markup Language (CCXML/Voice XML) browser. The "/" is an indefinite punctuation mark as it can denote both "and" and "or". As disclosed, the browser could be both "call control extensible" and "voice extensible" or could be either "call control extensible" or "voice markup extensible." Therefore, the examiner interpreted the "/" to represent "or".

Claim Rejections - 35 USC § 103

3. Claims 22- 28 are rejected under 35 U.S.C. 103(a) as being unpatentable Crockett(US 2004/0141596) in view of Guigui (US 2004/0186901), and further in view of Middleswarth et al. (US 6,697,461).

For claim 22, Crockett discloses a method of providing a voice dialogue in a telephone network, said method comprising:

directing a telephone call to a switch (SSP, [0110]);
requesting, by said switch, routing instructions from a control point ([0110] [0111]);
routing said telephone call to a Call Control Extensible Markup/Voice Extensible Markup Language browser according to said routing instructions ([0111][0120]);

forwarding a request for voice instructions from a CCXML/Voice XML browser to said control point ([0112]);

returning voice instructions from said control point to said CCXML/Voice XML browser ([0114]);

executing said voice instructions from said converter to said Call Control Extensible Markup/Voice XML browser ([0114] [0115]).

running an application on a CCXML application server connected to said CCXML/Voice XML browser ([0114]).

Yet, Crockett fails to teach forwarding a request for voice instructions from said CCXML/Voice XML browser to a call control protocol to CCXML/Voice XML converter; converting said request for voice instructions to said call control protocol using said converter; forwarding said request for voice instructions from said converter to said control point; returning voice instructions from said control point to said converter; converting said voice instructions from said call control protocol to said CCXML/Voice XML; and, returning voice instructions from said converter to said CCXML/Voice XML browser.

However, Guigui discloses a system connected to a service control point comprising a converter (*proxy server* : [0036]) for the purpose of communicating with the service control point using a call control protocol and converting said call control protocol to an extensible markup language, XML utilized by the system ([0038] [0039] [0040]).

Moreover, Middleswarth et al. discloses an intelligent peripheral comprising circuitry for the purpose of converting between protocols used on communication lines to and from the service control point and the various components within the intelligent peripheral for the purpose of presenting and processing voice (column 5 lines 22 - 25; column 6 lines 7 - 21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Crockett with the teachings of Guigi and Middleswarth et al. so that the CCXML/Voice XML browser intelligent peripheral disclosed above in Crockett, which is a system that utilizes a protocol that is distinct from the protocol utilized by a service control point, communicates with a converter for the purpose of converting between the internal protocol , i.e. an XML protocol, and an external protocol used by the SCP by:

forwarding a request for voice instructions from said CCXML/Voice XML browser to a call control protocol to CCXML/Voice XML converter; converting said request for voice instructions to said call control protocol using said converter; forwarding said request for voice instructions from said converter to said control point; returning voice instructions from said control point to said converter; converting said voice instructions from said call control protocol to said CCXML/ Voice XML; and, returning voice instructions from said converter to said CCXML/Voice XML browser.

As dependent claims of Claim 22, Claims 23 – 28 are rejected for the same reasons discussed above for Claim 22.

Response to Arguments

4. Applicant's arguments with respect to the rejection(s) of claim(s) 22 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/

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Examiner, Art Unit 2614

December 30, 2008

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614